



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	State Lottery Department
VAC Chapter Number:	11 VAC 5-10-10 et seq.
Regulation Title:	Guidelines for Public Participation in Regulation Development And Promulgation
Action Title:	Amend for clarification and simplification
Date:	03/17/2003

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

The chapter establishes the public participation guidelines for the development and promulgation of lottery regulations. The amendments clarify that the department will consider and respond to any petition for a new or amended regulation in accordance with § 2.2-4007 of the Code of Virginia. Amendments also include clarifications, editorial revisions and elimination of unnecessary requirements.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On March 5, 2003, the State Lottery Board unanimously adopted these final regulations.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

Section 58.1-4007 of the Code of Virginia authorizes the State Lottery Board to adopt regulations governing the establishment and operation of a lottery, and to amend, repeal or supplement the regulations as necessary. This Code section also provides that department regulations be promulgated in accordance with the provisions of the Administrative Process Act that requires agencies to provide for public participation in the promulgation of regulations. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulations and they comport with applicable state law and/or federal law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The amendments include a requirement of the Code of Virginia that the department must consider and respond to any petition for a new or amended regulation in accordance with the provisions of § 2.2-4007 of the Code. Also, they clarify existing language; they include editorial revisions; and they eliminate several unnecessary requirements. These regulations have not been revised since 1994 and certain revisions are needed. None of the revisions will affect the health, safety or welfare of the public.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

The final amendments add the provision that the department will consider and respond to any petition for a new or amended regulation with 180 days of its receipt, as provided in the Code of Virginia. Current regulation language provides no time frame for the response. The amendments also eliminate certain unnecessary requirements, including the provision that lists of possible interested parties be obtained annually even though no regulatory action is anticipated, and the provision that the board must order the printing and distribution of final regulations. Numerous editorial revisions also are included.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The advantage to the department is that the process for public participation in the promulgation of lottery regulations is clarified and simplified, while agency compliance with the requirements of the Administrative Process Act is maintained. There are no disadvantages to the public or the Commonwealth.

Statement of Changes Made Since the Proposed Stage

Please highlight any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication.

One technical error, a duplicate word, has been corrected in 11 VAC 5-10-60 E.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

No public comment was received during the public comment period held from December 2, 2002 to February 14, 2003.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

11 VAC 5-10-20 – The amendment requires the department to respond to regulatory requests in accordance with § 2.2-4007 of the Code of Virginia.

11 VAC 5-10-40 – The amendment states that the NOIRA is published in the Virginia Register.

11 VAC 5-10-50 – Because the department is exempt from this requirement to conduct review of regulations every two years, the amendment eliminates the specific time frame for periodic review of regulations.

11 VAC 5-10-70 – The amendment eliminates the need for the board to order the printing and distribution of final regulations.

11 VAC 5-10-80 – The amendment adds a statement that periodic review of the regulation will be conducted.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

These regulations have no impact upon families.